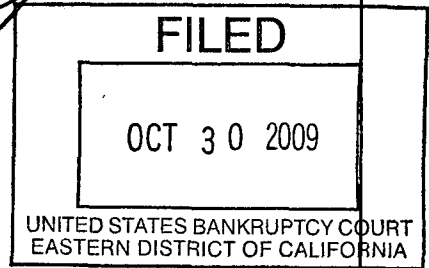


39



PATRICIA A. MCCOLM, J.D.
P.O. Box 27274
Francisco, CA 94112
(415)333-8000

Plaintiff, pro se

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

Misc Proceeding # 09-206

In re

BCN. 05-80212, Northern District of Georgia
Adv. No. 06-9036, Northern District of Georgia
SUBPOENAS ISSUED BY EASTERN DISTRICT

DAVID RONALD MICHAL et al,

**DECLARATION OF PLAINTIFF PATRICIA
A. MCCOLM, AND
MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
APPLICATION FOR ORDER TO SHOW
CAUSE ON SHORTENED TIME RE
CONTEMPT FOR FAILURE TO COMPLY
WITH SUBPOENAS FOR PRODUCTION OF
DOCUMENTS, MOTION TO COMPEL
COMPLIANCE WITH SUBPOENAS;
HEARING REQUESTED.**

Debtors.

REQUEST TO APPEAR BY TELEPHONE

[FRCP 45(e)]

Patricia A. McColm,

Plaintiff,

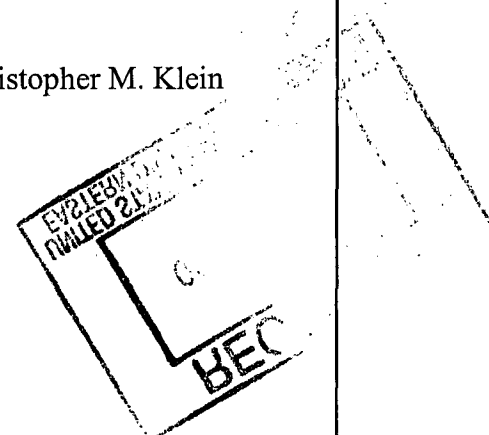
Date: December 1, 2009 on regular notice;
or as assigned on shortened time as
requested prior to November 30, 2009.

v.

Time: 9:30 a.m.
Dept: C, Chief Judge Christopher M. Klein

David Ronald Michal et al.,

Defendants.



1 **DECLARATION OF PATRICIA A. MCCOLM**

2 PATRICIA A. MCCOLM declares:

3 1. I am the plaintiff in this action.

4 2. The statements herein are my personal knowledge and if called as a witness could and
5 would testify competently thereto.

6 3. Prior to service of the subpoenas for documents, I gave written notice to defendants
7 counsel, Robert D. Schwartz of my intention to serve the subpoenas on the entities named for
8 deposition, inspection and documents; in particular, the documents not produced by defendants
9 pursuant to prior request for production.

10 4. Prior to service of the subpoena in this action, I requested that the U.S. Bankruptcy
11 Court of Eastern District of California issue its subpoenas in accordance with the directives of
12 the Judge James Massey of the United States Bankruptcy Court, Northern District of Georgia;
13 and after reviewing orders of said Court, the subpoenas were issued.

14 5. After some considerable delay in finding Mr. Cronic available for service, on October
15 15, 2009 I caused to be served on the Robert Cronic personally and as Custodian of Records for
16 Purofirst Disaster & Reconstruction Specialists, Restoration Group Inc. dba Purofirst Disaster
17 and Reconstruction by its official, Robert M. Cronic, President/Partner, Subpoenas for
18 Deposition, Inspection of Personal Property and Production of Documents; a copy of which, is
19 attached hereto respectively as **EXHIBIT A with proof of service, EXHIBIT B with proof of**
20 **service and EXHIBIT C with proof of service.** A witness fee of \$42.00 was also served at the
21 same time.

22 6. At no time have I received a response, objection, motion or production of documents
23 pursuant thereto prior to the due date; and upon inquiry by telephone the day before the first
24 appearance was due, was told by Margaret Long, counsel for Robert Cronic, that regardless of
25 capacity, he would not be appearing for deposition, would not be allowing an inspection of the
26 personal property nor producing any documents pursuant to the subpoenas; even though the place
27
28

1 for deposition, inspection and production was an official licensed deposition service within the
2 same City as the producing entities and person noticed for deposition. Accordingly, there is not
3 good cause for failure to comply with the subpoenas and all may be compelled with mandate to
4 produce all requested documents, assumed to be in the custody and control of the subpoenaed
5 entities and failure to produce intentional and appropriate for citation of contempt and to be
6 compelled. All objections are waived.

7 7. I asked for a good faith meet and confer for compliance as noticed and all such was
8 rejected. I faxed a letter, confirming refusal to comply with the subpoena and the frivolous
9 demand that it be rescheduled AFTER the time had run for discovery and to compel, with no
10 intention to comply but only to obtain time to object. I received no response to the faxed letter, a
11 true and correct copy of which is attached hereto as **EXHIBIT C** and made a part hereof. As of
12 the filing of this application, no offer to comply by Mr. Cronin has been received; in spite of my
13 telephone request to meet and confer this date for agreed dates for compliance with the
14 subpoenas and to produce documents within the discovery period, all objections waived.
15 A sanction is proper for failure to meet and confer in good faith.

16 8. Accordingly, it has become necessary to bring this application for order to show cause
17 re contempt for failure to comply with the subpoenas and order compelling compliance to attend
18 deposition, allow inspection and for production, among others, of the very documents defendants
19 in this case have heretofore refused to produce; and to have the contempt citation issued against
20 Robert M. Cronin as the official for Purofirst Disaster & Reconstruction Specialists; a partnership
21 and Restoration Group Inc. All should be ordered for completion before November 30, 2009.

22 9. It thus appears that there is no good faith compliance by either partner of the alleged
23 former business entity which under an invalid State Contractor's License obtained and absconded
24 unlawfully with personal property of this plaintiff; misconduct for which the Contractor's State
25 License Board issued a citation for 10 violations of the Business and Professions Code
26 commonly known as the Contractor's State License Law, a citation which was prosecuted by the
27
28

1 Attorney General of this State

2 10. DEFENDANT DAVID MICHAL HAS ADMITTED IN DISCOVERY THAT HE
3 CONTINUED TO WORK FOR ROBERT CRONIC IN 2003 AFTER THE ALLEGED
4 DISSOLUTION OF THE PARTNERSHIP; and thus, there is a likelihood that he has custody
5 and control of some or all of the personal property in question, until it can be disproved by
6 admissions from Mr. Cronic through the discovery processes by subpoena as to the actual
7 location and status of the property in issue.

8 11. The inconsistency of representations made by Defendant David Michal and Robert
9 Cronic; in contravention of other official records, shows there is good cause to suspect
10 intentional and malicious misconduct to defraud this Plaintiff and the Bankruptcy Court for the
11 purpose of conversion of Plaintiff's personal property.

12 12. Thus it is also necessary that shortened time be afforded for hearing on this matter so
13 that the discovery can be completed before close of discovery on November 30, 2009 and/or that
14 discovery and trial date be extended; so that the conflict of information can be resolved; as the
15 documents produced by other entities show that the alleged partnership had not ceased to do
16 business under the name of the partnership and that David Michal actually did not leave Redding
17 until 2005, there is good cause to suspect there is intent to defraud by such misrepresentations.
18 There needs to be a full and complete exploration of the apparent fraud on this consumer as to
19 the actual liability for the conduct of the business and its principals during the time of the
20 wrongful deceptive taking of the personal property under false pretenses.

21 13. The burden in this matter should shift to Defendant Michal to prove he acted
22 responsibly in the conduct of dissolution of his business; which to date has not been shown, as
23 there are no documents which conclusively show that David Michal was not aware of, agreed
24 with, benefitted from and/or acquiesced in the misconduct under his name to defraud consumers.

25 14. Should defendant Michal have any such documents, he has failed to produce same.
26 Documents in contravention, show he continued to allow the partnership to do business under his
27

1 name; with no notice to relevant business entities or consumers; by either partner, of an alleged
2 "dissolution" of the partnership. ALL DOCUMENTS REQUESTED BY THE SUBPOENAS
3 SHOULD NOW BE PRODUCED BY THE PARTNER ROBERT CRONIC IN ANY OF HIS
4 MISCELLANEOUS CAPACITIES AND BUSINESSES; in particular, because defendant
5 Michal questionably alleges he does not have access to any such business records of his former
6 partnership.

7 15. It may be that defendant Michal has an action against his partner for indemnification
8 if HE can prove a negative; but this plaintiff should not be victimized by the fraudulent conduct
9 and documents alleged to exist; which are NOT CONTEMPORANEOUS WITH THE DATES
10 THEREON AS PRODUCED BY DEFENDANT IN THIS ACTION! OSC SHOULD
11 PROPERLY ISSUE AND DEPOSITION, INSPECTION AND PRODUCTION OF
12 DOCUMENTS SHOULD NOW BE COMPELLED.

13 16. Further, there is a serious question raised as to the actual purpose of the payments
14 **alleged** to relate to the "buyout." THERE IS STILL NO ACTUAL DOCUMENTS
15 PRODUCED WHICH EITHER SHOW THE FORMATION OF THE PARTNERSHIP OR
16 FORMAL DISSOLUTION THEREOF; in particular, where these documents are missing from
17 all entities who were entitled to such under the business license and franchise requirements.
18 Defendant David Michal has pointed the finger at his partner Cronic, so CRONIC SHOULD
19 NOW APPEAR, ALLOW INSPECTION AND PRODUCE ALL DOCUMENTS.

20 17. This court may recall that nearly a year ago, I sought to obtain issuance of the
21 subpoenas that are asked to be enforced by this court; and the subpoenas were wrongfully
22 refused. After much delay going back to the original bankruptcy court, an order of the Georgia
23 bankruptcy court, showed that the subpoenas are to issue from this court, and such was done and
24 served as timely as my health and evasion of service by the subpoenaed party would allow. Now
25 in accordance with the citation of authority in the memorandum below, that the issuing court of
26 the subpoena is the correct court for enforcement, my request to the clerk for immediate time and
27

1 date and assigned court for filing in this Court has been delayed by reason that the clerk and court
2 again, appear to take the position that the Court in Georgia must act. This Plaintiff should not be
3 prejudiced once again, by inconsistent positions in this matter. The motion has been filed in
4 BOTH COURTS.

5 18. It is respectfully requested that this matter be set for hearing and preferably on
6 shortened time so that the discovery can be compelled on dates prior to November 30, 2009 to
7 provide for obtaining the critical information before the close of discovery and pending trial date.

8 Otherwise, all such would need to be moved to a later date to avoid prejudice in this matter.


9 19. Plaintiff respectfully requests appearance at hearing by telephone; and gives notice
10 that the radio phone to accommodate disability cannot be adequately controlled to eliminate the
11 "cut-outs" where one or other speaker may not be heard upon occasion and where the volume
12 goes up and down at will; thus, making it impossible to determine the actual volume being
13 displayed to the listener by phone or in the courtroom.

14 20. All objections are now waived; and thus, the hearing herein requested should be
15 short.

16 21. It is respectfully requested that an order to show cause re contempt issue as to Robert
17 M. Cronin Off for Purofirst Disaster & Reconstruction Specialists and Restoration Group Inc.
18 for the failure to comply with the subpoena for production of all documents requested with an
19 award of expenses of \$90 for service, \$150 for gas to travel to Redding and \$42 witness fee and
20 such further sanction as the court may deem proper.

21 I declare under penalty of perjury under the laws of the State of California that the
22 foregoing is true and correct.

23 Dated: October 28, 2009

24 
25 PATRICIA A. MCCOLM, J.D.
26 Plaintiff
27
28

MEMORANDUM

Pursuant to the Bankruptcy Local Rules, rule 7037-1 discovery may be compelled, and under Federal Rules of Civil Procedure, rule 45(e) and Rule B.K rule 7004, nationwide service is available to serve subpoenas and obtain compliance therewith by third parties. The proper court for enforcement of subpoenas is the court which issued the subpoenas. (*Fincher v Keller Ind. Inc.* (MD NC 1990) 129 FRD 123, 125. Thereon, compliance may be sought by application for order of contempt and for expenses in the Eastern District of California. However, because of confusion in this regard, the matter has been delayed for several days due to refusal of the clerk to give calendar information or agree to set the matter for hearing in this Court; and further, that upon information and belief from Judge Klein, that the matter should be heard in the Georgia bankruptcy court. This was the position previously taken which was determined to be error by the Georgia court and potentially prejudicial to Plaintiff. As a result of the delay, shortened time is now necessary for hearing prior to November 30, 2009 to avoid close of discovery and provide for compliance prior thereto. **Plaintiff seeks shorted time for hearing by this court.**

Defendant has failed to produce the requested documents; and now his partner, Robert M. Cronin in Purofirst Disaster & Reconstruction has also thumbed his nose at the Bankruptcy Court refusing to appear for deposition to clarify issues, refused to allow inspection to verify existence, custody and control of the personal property and refused to produce the documents sought by the several subpoenas; and by refusing to produce the very documents which would determine what liability each may bear in this matter. McColm attempted to meet and conferred with counsel to no avail; and thus, had to bring this and prior motion for relief to avoid the apparent bad-faith refusal to comply to inflict delay to prejudice Plaintiff.

The subpoenaed party failed to comply with the subpoenas and served no objections or other motions pertaining thereto. Accordingly, all objections are waived including privilege. *In re DG Acquisition Corp.* (2nd Cir. 1998) 151 F3d 75, 81; *Moon v SCP Pool Corp.* (CD CA 2005) 232 FRD 633, 636.

1 Expenses of the subpoena in the amount of \$90, cost of gas in the amount of
2 \$150 and witness fee of \$42 is requested; as well as any further amounts according to proof are
3 herein requested. Plaintiff requests to appear by telephone.

4 An order to show cause re contempt for failure to comply with subpoenas is
5 respectfully requested with Order of date certain for compliance; preferably on shorten time prior
6 to November 30, 2009.

7 Dated: October 28, 2009

8 
9 PATRICIA A. MCCOLM, J.D.
Plaintiff

B255 (Form 255 - Subpoena in an Adversary Proceeding) (12/07)

UNITED STATES BANKRUPTCY COURT - EASTERN DISTRICT OF CALIFORNIA

In re [Debtor Name(s)]:

DAVID R. MICHAL et al.

SUBPOENA IN AN ADVERSARY PROCEEDING

Case No. * 05-80212 Northern
District of Georgia

Chapter 7

Plaintiff(s):

PATRICIA A. MCCOLM

Adversary Proceeding No. 06-9036

Defendant(s):

DAVID R. MICHAL et al.

TO: ROBERT CRONIC

Name

Address

2662 Tarmac Road
Redding, CA 96003☐ YOU ARE COMMANDED to appear in the United States Bankruptcy Court at the place, date, and time specified below to testify in the above adversary proceeding.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above adversary proceeding.

PLACE OF DEPOSITION

Challe & Fisher
1828 South Street
Redding, CA 96001

DATE AND TIME

October 15, 2009 at 10:00 a.m.
continuing day to day to completion☐ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

PLACE

DATE AND TIME

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this adversary proceeding that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Rule 30(b)(6), Federal Rules of Civil Procedure, made applicable in adversary proceedings by Rule 7030, Federal Rules of Bankruptcy Procedure.

ISSUING OFFICER, SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PARTY)

Deputy Clerk

DATE

08/10/09

ISSUING OFFICER'S NAME, ADDRESS, AND PHONE NUMBER

Marilyn Rigsby, 501 I St., Sacramento CA 95814. 916-930-4418

* If the bankruptcy case or the adversary proceeding is pending in a district other than the district in which the subpoena is issued, state the district under the case number or adversary proceeding number.

EXHIBIT A

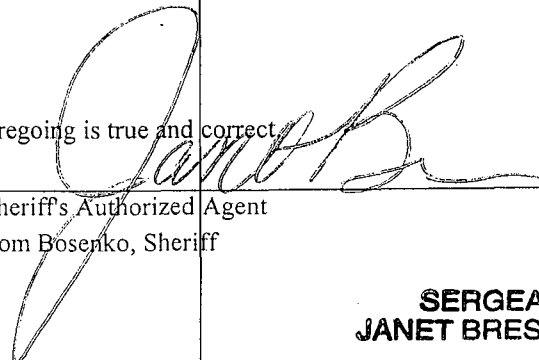
ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Patricia A McColm JD P.O. Box 27274 San Francisco, CA 94127 E-MAIL Telephone (415) 333-8000 FAX (415) 344-0929		FOR COURT USE ONLY	
ATTORNEY FOR (Name): IN PROPRIA PERSONA			
United States Bankruptcy Court - Eastern District of California STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: Eastern District of California			
PLAINTIFF: Patricia A McColm DEFENDANT: David R Michal et al			
PROOF OF SERVICE		FILE NUMBER 2009003066	COURT CASE NUMBER 05-80212 NORTHERN DIST OF GEORGIA

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the:
f. other (specify documents): **Subpoena in an Adversary Proceeding**
3. a. Party served: **Robert Cronic**
4. Address where party was served: **2662 Tarmac Rd
Redding, CA 96003**
5. I served the party
a. by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of the process for the party (1) on: 10/5/2009 (2) at: 9:39 AM.
7. Person who served papers:
a. Name: **Janet Breshears, Sergeant, #154**
b. Address: **Shasta County Sheriff's Civil Division Room 206 1500 Court Street Redding, CA 96001**
c. Telephone number: **(530) 225-5611**
d. The fee for service was: **\$30.00**

9. I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: October 6, 2009

Hearing: 10/15/2009 10:00 AM Dept/Div:



Sheriff's Authorized Agent
Tom Bosenko, Sheriff

**SERGEANT
JANET BRESHEARS**



Tom Bosenko
Sheriff

County of Shasta
Shasta County Sheriff's Civil Division

Receipt of Payment
Service(s) Requested By
Patricia A McColm JD

Transaction #	Workstation	Clerk	Date/Time
00023270	002	FFTSH	10/1/2009 1:30:27 PM

File #	Service/Parties	Waiver	Fee	Deposit	Item Total
2009003066	Subpoena Patricia A McColm David R Michal et al	N	\$30.00	\$0.00	\$30.00
Item Total					\$30.00
Mail Check 718					\$30.00
Tender Total					\$30.00
Amount Due					\$0.00

Please Retain This Receipt For Your Records.

Room 206, 1500 Court Street, Redding, CA 96001

Note: The Sheriff is entitled to a fee for service, whether or not the service is successful. Govt. C 26738

Status checks will not be given over the phone earlier than 10 days prior to the court date. If Applicable, you will receive a copy of the proof of service in the mail. PLEASE DO NOT PHONE.

B255 (Form 255 - Subpoena in an Adversary Proceeding) (12/07)

UNITED STATES BANKRUPTCY COURT - EASTERN DISTRICT OF CALIFORNIA		
In re [Debtor Name(s)]: DAVID R. MICHAL et al.	SUBPOENA IN AN ADVERSARY PROCEEDING	
	Case No. * 05-80212 Northern District of Georgia	Chapter 7
Plaintiff(s): PATRICIA A. MCCOLM	Adversary Proceeding No. 06-9036	
Defendant(s): DAVID R. MICHAL et al.	TO: Name Address	ROBERT CRONIC 2662 Tarmac Road Redding, CA 96003
<input type="checkbox"/> YOU ARE COMMANDED to appear in the United States Bankruptcy Court at the place, date, and time specified below to testify in the above adversary proceeding.		
PLACE OF TESTIMONY	COURTROOM	
	DATE AND TIME	
<input type="checkbox"/> YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above adversary proceeding.		
PLACE OF DEPOSITION	DATE AND TIME	
<input checked="" type="checkbox"/> YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): ALL ITEMS OF PERSONAL PROPERTY REMOVED FROM 925 SOUTH STREET, REDDING, CALIFORNIA BETWEEN NOVEMBER 25, 2003 and JANUARY 2004.		
PLACE 2662 TARMAC ROAD, REDDING, CALIFORNIA	DATE AND TIME OCTOBER 16, 2009 at 9:00 a.m.	
<input type="checkbox"/> YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.		
PREMISES	DATE AND TIME	
Any organization not a party to this adversary proceeding that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Rule 30(b)(6), Federal Rules of Civil Procedure, made applicable in adversary proceedings by Rule 7030, Federal Rules of Bankruptcy Procedure.		
ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PARTY) <i>Marilyn Rigsby</i> Deputy Clerk		DATE 8/10/09
ISSUING OFFICER'S NAME, ADDRESS, AND PHONE NUMBER Marilyn Rigsby, 501 I St., Sacramento CA 95814. 916-930-4418		

* If the bankruptcy case or the adversary proceeding is pending in a district other than the district in which the subpoena is issued, state the district under the case number or adversary proceeding number.

EXHIBIT 3

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Patricia A McColm JD P.O. Box 27274 San Francisco, CA 94127 E-MAIL Telephone (415) 333-8000 FAX (415) 344-0929		FOR COURT USE ONLY	
ATTORNEY FOR (Name): IN PROPRIA PERSONA			
United States Bankruptcy Court - Eastern District of California STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: Eastern District of California			
PLAINTIFF: Patricia A McColm DEFENDANT: David R Michal et al			
PROOF OF SERVICE		FILE NUMBER 2009003066	COURT CASE NUMBER 05-80212 NORTHERN DIST OF GEORGIA

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the:
f. other (specify documents): **Subpoena in an Adversary Proceeding**
3. a. Party served: **Robert Cronic**
4. Address where party was served: **2662 Tarmac Rd
Redding, CA 96003**
5. I served the party
a. by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of the process for the party (1)on: 10/5/2009 (2)at: 9:39 AM.
7. Person who served papers:
a. Name: **Janet Breshears, Sergeant, #154**
b. Address: **Shasta County Sheriff's Civil Division Room 206 1500 Court Street Redding, CA 96001**
c. Telephone number: **(530) 225-5611**
d. The fee for service was: **\$30.00**
9. I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: October 6, 2009

Sheriff's Authorized Agent
Tom Bosenko, Sheriff**SERGEANT
JANET BRESHEARS**

Hearing: 10/16/2009 9:00 AM Dept/Div:



Tom Bosenko
Sheriff

County of Shasta
Shasta County Sheriff's Civil Division

Receipt of Payment

Service(s) Requested By
Patricia A McColm JD

Transaction #	Workstation	Clerk	Date/Time
00023271	002	FFTSH	10/1/2009 1:31:57 PM

File #	Service/Parties	Waiver	Fee	Deposit	Item Total
2009003066	Subpoena Patricia A McColm David R Michal et al	N	\$30.00	\$0.00	\$30.00
Item Total					\$30.00
Mail Check 718					\$30.00
Tender Total					\$30.00
Amount Due					\$0.00

Please Retain This Receipt For Your Records.

Room 206, 1500 Court Street, Redding, CA 96001

Note: The Sheriff is entitled to a fee for service, whether or not the service is successful. Govt. C 26738

Status checks will not be given over the phone earlier than 10 days prior to the court date. If Applicable, you will receive a copy of the proof of service in the mail. PLEASE DO NOT PHONE

2255 (Form 255 - Subpoena in an Adversary Proceeding) (12/07)

UNITED STATES BANKRUPTCY COURT - EASTERN DISTRICT OF CALIFORNIA

In re [Debtor Name(s)]:

DAVID R. MICHAL et al.

SUBPOENA IN AN ADVERSARY PROCEEDING

Case No. * 05-80212 Northern
District of Georgia

Chapter 7

Plaintiff(s):

PATRICIA A. MCCOLM

Adversary Proceeding No. 06-9036

Defendant(s):

DAVID R. MICHAL et. al.

TO: CUSTODIAN OF RECORDS,
 Name RESTORATION GROUP, INC. dba Purofirst
 Address 2662 Farmac Road Redding, CA 96003
 Disaster and Reconstruction Specialists.

☐ YOU ARE COMMANDED to appear in the United States Bankruptcy Court at the place, date, and time specified below to testify in the above adversary proceeding.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above adversary proceeding.

PLACE OF DEPOSITION

DATE AND TIME

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

(SEE ATTACHMENT A HERETO)

PLACE

Associated Deposition Service
2054 Market Street, Redding, CA

DATE AND TIME

October 15, 2009 at 9:00 a.m.

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this adversary proceeding that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Rule 30(b)(6), Federal Rules of Civil Procedure, made applicable in adversary proceedings by Rule 7030, Federal Rules of Bankruptcy Procedure.

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PARTY)

Marilyn Rigsby

Deputy Clerk

DATE

08/10/09

ISSUING OFFICER'S NAME, ADDRESS, AND PHONE NUMBER

Marilyn Rigsby, 501 I St., Sacramento CA 95814. 916-930-4418

If the bankruptcy case or the adversary proceeding is pending in a district other than the district in which the subpoena is issued, state the district under the case number or adversary proceeding number.

EXHIBIT C

ATTACHMENT A to August 10, 2009 SUBPOENA IN ADVERSARY PROCEEDING OF THE U.S. BANKRUPTCY COURT CASE NO. 06-9036 commanding production and inspection of the following documents and things on August 10, 2009 by Restoration Group Inc. dba Purofirst Disaster & Reconstruction Specialists:

REQUEST NUMBER 1:

All documents which form any indicia of payment called for in any and all buyout agreements including but not limited to the "Purofirst of the Northstate Partnership Buyout Agreement" between David R. Michal (David Michal) and Robert M. Cronic (Robert Cronic).

REQUEST NUMBER 2:

All documents which are referenced in the "Purofirst of the Northstate Partnership Buyout Agreement" identified under part "III. Consideration (b) 12."

REQUEST NUMBER 3:

All documents which form any part of a partnership agreement between David Michal and Robert M. Cronic.

REQUEST NUMBER 4:

All documents which form any part of a dissolution of partnership agreement(s) for PUROFIRST OF THE NORTHSTATE, PUROFIRST DISASTER & RECONSTRUCTION SPECIALISTS, NORTH AMERICAN HOMES.

REQUEST NUMBER 5:

All documents which form any part of the agreement for a "Purofirst" franchise used by defendants David Michal and Robert Cronic.

REQUEST NUMBER 6:

All documents which form any part of a "Purofirst International Inc." (Purofirst) franchise

obtained by defendant David Michal and Robert Cronic.

REQUEST NUMBER 7:

All documents which form any part of a dissolution of the "Purofirst" franchise as to David Michal.

REQUEST NUMBER 8:

All inventory sheets pertaining to personal property removed from 925 South Street, Redding, California from November 25, 2003 through December 2004 pursuant to service authorization obtained under contractor's license number 741643.

REQUEST NUMBER 9:

All documents which form any part of an agreement under Contractor's State Licence Board License number 741643 for services performed between January 1, 2002 and January 1, 2005.

REQUEST NUMBER 10:

All documents which contain any kind of agreement between Patricia A. McColm, George McColm under Contractor's State License Number 741643.

REQUEST NUMBER 11:

All documents upon which Restoration Group Inc. dba Purofirst Disaster & Reconstruction Specialists (741643), relied in alleging a work of improvement for a recorded Mechanic's Lien on 925 South Street, Redding, California.

REQUEST NUMBER 12:

All tax records pertaining to Purofirst Disaster & Reconstruction Specialists, a partnership for years 2002 through 2004.

REQUEST NUMBER 13:

All business licences pertaining to Purofirst Disaster & Reconstruction Specialists for years 2002 through 2004.

REQUEST NUMBER 14:

All business licenses in which David Michal and Robert Cronic were named between 2002 and 2004.

REQUEST NUMBER 15:

All business records pertaining to George L. McColm.

REQUEST NUMBER 16:

All documents which purport to constitute an agreement for storage of personal property removed from 925 South Street, Redding California belonging to George L. McColm.

REQUEST NUMBER 17:

All documents which purport to constitute an agreement for storage of personal property removed from the real property at 925 South Street, Redding, California.

REQUEST NUMBER 18:

All documents which purport to constitute an agreement for storage of personal property removed from 925 South Street, Redding California belonging to Patricia A. McColm.

REQUEST NUMBER 19:

All documents which support a mechanic's lien on the real property at 925 South Street, Redding, CA.

REQUEST NUMBER 20:

All documents upon which billing decisions were determined between 2002 and 2005

under agreements using State Contractor license number 741643.

REQUEST NUMBER 21:

The alleged contract(s) upon which any claim for monies against George McColm was made by PUROFIRST DISASTER AND RECONSTRUCTION SPECIALISTS under State Contractor's license number 741643.

REQUEST NUMBER 22: All published public price lists for all services provided by PUROFIRST DISASTER AND RECONSTRUCTION SPECIALISTS under State Contractor's license number 741643 in effect from November 25, 2003 through December 2003.

REQUEST NUMBER 23: All price lists of any kind upon which DISASTER AND RECONSTRUCTION SPECIALISTS based it's billings for services to clients/customers under State Contractor's license number 741643 between November 25, 2003 and December 5, 2003.

REQUEST NUMBER 24: All published price lists for services provided to clients/customers in effect from January 2002 through December 2004

REQUEST NUMBER 25: All documents which reflect the basis for calculation of monetary amounts for services between November 2003 and May 2005 billed to GEORGE L. MCCOLM.

REQUEST NUMBER 26: All bills from any person/entity whomsoever who performed services for the benefit of GEORGE L. MCCOLM's real property at 925 South Street.

REQUEST NUMBER 27: All time sheets for any employee whomsoever upon which claims for hourly billing amounts were calculated for any services of any kind for the benefit of the real property at 925 South Street.

REQUEST NUMBER 28: All time sheets for any employee whomsoever who claims monetary amounts for any services of any kind provided for the benefit of GEORGE L.

MCCOLM.

REQUEST NUMBER 29: All documents which show the name, address, telephone number for any person alleged to have performed any services on behalf of GEORGE L. MCCOLM.

REQUEST NUMBER 30: All billing manuals / electronic data in effect from 2002 through 2005 with applicable dates indicated.

REQUEST NUMBER 31: All instruction manuals pertaining to performance of any service offered consumers from 2002 through 2005 with applicable dates indicated.

REQUEST NUMBER 31: Any and all documents which reflect agreements between the parent company for RESTORATION GROUP INCORPORATED and PUROFIRST DISASTER AND RECONSTRUCTION SPECIALISTS.

REQUEST NUMBER 32: All documents including but not limited to electronic data upon which reconstruction estimates were based between 2001 and 2005.

REQUEST NUMBER 33: All documents including but not limited to electronic data upon which restoration service estimates are based including but not limited to materials, packing, moving, cleaning, storing from 2002 through 2005.

REQUEST NUMBER 34: All estimates provided on behalf of any person whomsoever between 2001 and May of 2005 for the kind of alleged services provided to Patricia McColm dpa for George McColm.

REQUEST NUMBER 35: All billings pertaining to all clients covered by insurance between 2001 and May of 2005.

REQUEST NUMBER 36: All estimates for services of the kind billed to GEORGE L. MCCOLM which were provided to any consumer between 2001 and May of 2005.

REQUEST NUMBER 37: All billings pertaining to the kind of services provided to GEORGE L. MCCOLM pertaining to all clients/customers who were NOT covered by insurance between 2001 and May of 2005.

REQUEST NUMBER 38: All documents which reflect disputes by clients/customers regarding services provided by PUROFIRST DISASTER AND RECONSTRUCTION SPECIALISTS between 2000 and 2005.

REQUEST NUMBER 39: All documents which contain complaints by customers of RESTORATION GROUP INC. between 2003 and 2005.

REQUEST NUMBER 40: All police reports regarding theft complaints against employee(s).

REQUEST NUMBER 41: All police reports regarding any issue pertaining to Robert Cronic, George McColm and Patricia McColm.

REQUEST NUMBER 42: All documents which reflect charges of wrongdoing presented to any government agency against PATRICIA A. MCCOLM by any official or employee; including but not limited to Robert Cronic.

REQUEST NUMBER 43: . All documents which at any time have been in the possession of defendants which mentions PATRICIA MCCOLM.

REQUEST NUMBER 44: All documents which reflect complaints against PUROFIRST DISASTER AND CONSTRUCTION SPECIALISTS with any entity whatsoever.

REQUEST NUMBER 45: All mechanic's liens filed by PUROFIRST DISASTER AND RECONSTRUCTION SPECIALISTS between 2000 and 2005.

REQUEST NUMBER 46: All documents pertaining to lawsuits filed by PUROFIRST DISASTER AND RECONSTRUCTION SPECIALISTS.

REQUEST NUMBER 47: All documents pertaining to lawsuits filed by clients/customers against defendant David Michal dba PUROFIRST DISASTER AND RECONSTRUCTION SPECIALISTS, its successor entities, officials.

REQUEST NUMBER 48: All statements of any kind which object to any conduct of an employee between 2001 and 2005.

REQUEST NUMBER 49: The personnel files of all employees who performed any alleged services at 925 South Street, Redding, California under any agreement using State Contractor's License number 741643.

REQUEST NUMBER 50: All documents which support any alleged agreement that GEORGE L. MCCOLM pay PUROFIRST DISASTER AND RECONSTRUCTION SPECIALISTS any amount of monies; in particular, \$9,349.96.

REQUEST NUMBER 51: All documents which show the billing rates for storage amounts billed by RESTORATION GROUP INC. dba PUROFIRST DISASTER AND RECONSTRUCTION SPECIALISTS to clients/customers between 2000 and 2005.

REQUEST NUMBER 52: All ORIGINAL billings pertaining to amounts claimed to be owed by GEORGE L. MCCOLM.

REQUEST NUMBER 53: All ORIGINAL estimates for services offered to GEORGE L. MCCOLM through durable power of attorney, PATRICIA MCCOLM.

REQUEST NUMBER 54: All documents provided to PATRICIA MCCOLM, November through December 2003.

REQUEST NUMBER 55: All invoices to RESTORATION GROUP INC. dba PUROFIRST DISASTER AND RECONSTRUCTION SPECIALISTS from the supplier for temporary toilet at

925 South Street, Redding, California.

REQUEST NUMBER 56: All invoices by the third party electrician who performed services on behalf of PUROFIRST DISASTER AND RECONSTRUCTION SPECIALISTS at 925 South Street, Redding California.

REQUEST NUMBER 57: All documents which show the name of any electrician who performed any services at 925 South Street, Redding California for which GEORGE L. MCCOLM was billed.

REQUEST NUMBER 58: Invoices for all materials any defendant used in the performance of electrical services at 925 South Street, Redding California

REQUEST NUMBER 59: All permits obtained for work performed at 925 South Street, Redding, California.

REQUEST NUMBER 60: All documents which show the name of the carpenter who covered the crawl space at 925 South Street, Redding California billed to George McColm.

REQUEST NUMBER 61: All documents which show the amount paid to a carpenter allegedly performing services at 925 South Street, Redding, California billed to George McColm.

REQUEST NUMBER 62: All documents which show payments made to the electrician who performed any services at 925 South Street, Redding California billed to George McColm.

REQUEST NUMBER 63: All documents which show payments made to the carpenter who allegedly performed work at 925 South Street, Redding California billed to George McColm.

REQUEST NUMBER 64: All documents which show payment for temporary toilet at 925 South Street, Redding California billed to George McColm.

REQUEST NUMBER 65: All documents which show payment for door lockset and deadbolt

at 925 South Street, Redding, California billed to George McColm.

REQUEST NUMBER 66: All documents which show the name of the locksmith who did work at 925 South Street Redding California billed to George McColm.

REQUEST NUMBER 67: All documents which reflect billing rate schedules for debris hauling from 2003 through 2004.

REQUEST NUMBER 68: All documents which show the specific agreement of GEORGE L. MCCOLM to pay \$50 for picking up a permit from the Redding Building department.

REQUEST NUMBER 69: All documents which show the dates of the temporary toilet billing by the provider of the service for 925 South Street, Redding California.

REQUEST NUMBER 70: All documents which constitute "emergency services" billed for work at 925 South Street, Redding, California.

REQUEST NUMBER 71: All documents which reflect work performed for any alleged services pertaining to 925 South street, Redding California.

REQUEST NUMBER 72: All documents which reflect billing for alleged "emergency services" by PUROFIRST DISASTER AND RECONSTRUCTION SPECIALISTS pertaining to 925 South Street, Redding CALIFORNIA.

REQUEST NUMBER 73: All documents which reflect the name of any employee who performed alleged emergency services at 925 South Street, Redding, California.

REQUEST NUMBER 74: All alleged billings for storage sent to GEORGE L. MCCOLM.

REQUEST NUMBER 75: All alleged billings for storage sent to PATRICIA MCCOLM.

REQUEST NUMBER 76: All documents which show what services were performed which constitute the May 10, 2004 invoice on alleged agreement with PUROFIRST DISASTER AND

RECONSTRUCTION SPECIALISTS bearing license number 741643 for the amount of \$2,292.32.

REQUEST NUMBER 77: All correspondence between State Farm Insurance Company and PUROFIRST DISASTER AND RECONSTRUCTION SPECIALISTS or its successors in interest regarding services arising out of a fire at 925 South Street, Redding, California.

REQUEST NUMBER 78: All estimates for services provided to PATRICIA A. MCCOLM for services performed pertaining to the personal property of any individual McColm.

REQUEST NUMBER 79: All estimates for services provided to GEORGE L. MCCOLM from PUROFIRST DISASTER AND RECONSTRUCTION SPECIALISTS.

REQUEST NUMBER 80: All estimates provided to STATE FARM INSURANCE COMPANY arising out of the fire at 925 South Street, Redding California, November 2003.

REQUEST NUMBER 81: All billings sent to STATE FARM INSURANCE COMPANY arising from alleged services related to a November 2003 fire at 925 South Street, Redding, California.

REQUEST NUMBER 82: All billings sent to GEORGE L. MCCOLM by PUROFIRST DISASTER AND RECONSTRUCTION SPECIALISTS.

REQUEST NUMBER 83: All billings sent to PATRICIA A. MCCOLM by PUROFIRST DISASTER AND RECONSTRUCTION SPECIALISTS.

REQUEST NUMBER 84: All training manuals for employees of PUROFIRST DISASTER AND RECONSTRUCTION SPECIALISTS and its successors in interest.

REQUEST NUMBER 85: All parent company "Purofirst" policy manuals for by PUROFIRST DISASTER AND RECONSTRUCTION SPECIALISTS.

REQUEST NUMBER 86: All company policy manuals for PUROFIRST DISASTER AND RECONSTRUCTION SPECIALISTS.

REQUEST NUMBER 87: All documents which show the request for temporary toilet at 925 South Street, Redding, California, November 2003.

REQUEST NUMBER 88: All correspondence between PATRICIA A. MCCOLM and Robert Cronic doing business as any entity.

REQUEST NUMBER 89: All correspondence between GEORGE L. MCCOLM and PUROFIRST DISASTER AND RECONSTRUCTION SPECIALISTS.

REQUEST NUMBER 90: All documents upon which PUROFIRST DISASTER AND RECONSTRUCTION relies for its contention that GEORGE MCCOLM agreed to pay any or all of the amount(s) for services at 925 South Street, Redding California.

REQUEST NUMBER 91: The "Work Summary" "Emergency Services" estimate for temporary power reference on the "Service Authorization," pertaining to 925 South Street, Redding, California.

REQUEST NUMBER 92: The "Work Summary" "Restoration and Repairs" estimate to Pack, Clean & Store Contents" on the "Service Authorization."

REQUEST NUMBER 93: All agreements between "Purofirst International, Inc." and PUROFIRST DISASTER AND RECONSTRUCTION SPECIALISTS.

REQUEST NUMBER 94: All photographs taken at 925 South Street, Redding California by any employee of PUROFIRST DISASTER AND RECONSTRUCTION SPECIALISTS.

REQUEST NUMBER 95: All photographs taken of the personal property of GEORGE MCCOLM by PUROFIRST DISASTER AND RECONSTRUCTION SPECIALISTS.

REQUEST NUMBER 96: All photographs taken of the personal property of PATRICIA A. MCCOLM by PUROFIRST DISASTER AND RECONSTRUCTION SPECIALISTS.

REQUEST NUMBER 97: All audio, video recordings taken at 925 South Street, Redding California by PUROFIRST DISASTER AND RECONSTRUCTION SPECIALISTS.

REQUEST NUMBER 98: All video recordings taken at any facility of personal property of GEORGE L. MCCOLM in the custody or control of PUROFIRST DISASTER AND RECONSTRUCTION SPECIALISTS. .

REQUEST NUMBER 99: All video recordings taken at any facility of personal property of PATRICIA A. MCCOLM.

REQUEST NUMBER 100: All audio recordings of GEORGE L. MCCOLM..

REQUEST NUMBER 101: All audio recordings of PATRICIA A. MCCOLM.

REQUEST NUMBER 101: All video recordings of PATRICIA A. MCCOLM.

REQUEST NUMBER 102: All faxes between PATRICIA A. MCCOLM and PUROFIRST DISASTER AND RECONSTRUCTION SPECIALISTS.

REQUEST NUMBER 103: All faxes between STATE FARM INSURANCE COMPANY and PUROFIRST DISASTER AND RECONSTRUCTION SPECIALISTS between November 2003 and May 2005.

REQUEST NUMBER 104: All documents which show how many employees are included in the \$150 per hour "Inventory and Pack-out" estimate for services at 925 South Street, Redding, CALIFORNIA.

REQUEST NUMBER 105: All documents which explain the meaning of the figures used by PUROFIRST DISASTER AND RECONSTRUCTION SPECIALISTS for estimate categories

placed into "Qty," "Remove," Replace," "Total."

REQUEST NUMBER 106. All documents which explain the data contained on all estimates by PUROFIRST DISASTER AND RECONSTRUCTION SPECIALISTS.

REQUEST NUMBER 107: All banking records of defendant PUROFIRST DISASTER & RECONSTRUCTION SPECIALISTS in 2003 through 2004.

REQUEST NUMBER 108. All contracts for services with customers of defendant PUROFIRST DISASTER & RECONSTRUCTION SPECIALISTS.

REQUEST NUMBER 109: All documents which show any reason why the personal property removed from the real property at 925 South Street, Redding, California from November 2003 though December 2003 has NOT BEEN RETURNED to the customer.

REQUEST NUMBER 110: All documents which show the present location of the personal property removed from the real property at 925 South Street, Redding, California between November and December 2003 by PUROFIRST DISASTER & RECONSTRUCTION SPECIALISTS using State Contractor License number 741643.

REQUEST NUMBER 111: All documents which support any contention that the personal property removed from the real property at 925 South Street, Redding California November/December 2003 by RESTORATION GROUP INC. dba PUROFIRST DISASTER & RECONSTRUCTION SPECIALISTS (741643) cannot be returned to the Estate of George McColm.

REQUEST NUMBER 112: All documents which contain any kind of agreement between Patricia A. McColm, George McColm and Robert Cronin doing business under any entity in which he was an official.

REQUEST NUMBER 113: All inventories of property placed in storage at 2662 Tarmac Road by David Michal.

REQUEST NUMBER 114: All documents which constitute "transfer of his ownership interests in the Company to Robert Cronin" as required under the Purofirst of the Northstate Partnership Buyout Agreement.

REQUEST NUMBER 115: All documents which constitute resignations signed by David Michal as required by the Purofirst of the Northstate Partnership Buyout Agreement.

REQUEST NUMBER 116: All customer lists between 2002 and 2006.

REQUEST NUMBER 117: All employee and independent contractor wage records for alleged services performed pertaining to 925 South Street, Redding, CA for either George or Patricia McColm.

REQUEST NUMBER 118: All business records pertaining to Patricia McColm under any spelling for said individual.

REQUEST NUMBER 119: All documents upon which billing decisions were determined between 2002 and 2005 for customer agreements using State Contractor license number 741643.

REQUEST NUMBER 120: All documents which support any contention that the personal property removed from the real property at 925 South Street, Redding California by PUROFIRST DISASTER & RECONSTRUCTION SPECIALISTS and/or its successors in interest cannot be returned to PATRICIA MCCOLM.

REQUEST NUMBER 121: All documents which form the Franchise package obtained by PUROFIRST DISASTER & RECONSTRUCTION SPECIALS of which the Purofirst International Inc. Franchise License Agreement is attached as "Exhibit A."

REQUEST NUMBER 122: All documents which constitute the termination of the Purofirst Franchise License Agreement as to David Michal.

REQUEST NUMBER 123: All documents which constitute the termination of the Purofirst Franchise License Agreement as to Robert Cronic.

REQUEST NUMBER 124: All documents which are W-9s for David Michal in 2003.

REQUEST NUMBER 125: All records of employment of David Michal in 2003.

REQUEST NUMBER 126: All documents which show an agreement for direct payment by State Farm Insurance Company to an entity in which Robert Cronic was a principal for work performed pursuant to an agreement with any McColm arising out of a fire at 925 South Street, Redding California in 2003.

REQUEST NUMBER 127: All documents which show any form of "liquidation" of any item of personal property taken out of the real property at 925 South Street, Redding, California November-December 2003 by Restoration Group Inc. dba Purofirst Disaster and Reconstruction Specialists.

Dated: August 10, 2009



PATRICIA A. MCCOLM, J.D.
Plaintiff

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Patricia A McColm JD P.O. Box 27274 San Francisco, CA 94127 E-MAIL		Telephone (415) 333-8000 FAX (415) 344-0929	FOR COURT USE ONLY	
ATTORNEY FOR (Name): IN PROPRIA PERSONA				
United States Bankruptcy Court - Eastern District of California STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: Eastern District of California				
PLAINTIFF: Patricia A McColm DEFENDANT: David R Michal et al				
PROOF OF SERVICE		FILE NUMBER 2009003066	COURT CASE NUMBER 05-80212 NORTHERN DIST OF GEORGIA	

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the:
f. other (specify documents): **Subpoena in an Adversary Proceeding**
3. a. Party served: **Custodian of Records Restoration Group Inc dba Purofirst Disaster and Reconst. Sp**
b. Person (other than the party in item 3a) served on behalf of the entity or as an authorized agent (and not a person under item 5b on whom substituted service was made): **Robert Cronic, Custodian of records**
4. Address where party was served: **2662 Tarmac Rd
Redding, CA 96003**
5. I served the party
a. by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of the process for the party (1) on: 10/5/2009 (2) at: 9:39 AM.
7. Person who served papers:
a. Name: **Janet Breshears, Sergeant, #154**
b. Address: **Shasta County Sheriff's Civil Division Room 206 1500 Court Street Redding, CA 96001**
c. Telephone number: **(530) 225-5611**
d. The fee for service was: **\$30.00**

9. I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: October 6, 2009

Sheriff's Authorized Agent
Tom Bosenko, Sheriff

Hearing: 10/15/2009 9:00 AM Dept/Div:

**SERGEANT
JANET BRESHEARS**



Tom Bosenko
Sheriff

County of Shasta
Shasta County Sheriff's Civil Division

Receipt of Payment
Service(s) Requested By
Patricia A McColm JD

Transaction #	Workstation	Clerk	Date/Time
00023269	002	FFTSH	10/1/2009 1:28:12 PM

File #	Service/Parties	Waiver	Fee	Deposit	Item Total
2009003066	Subpoena Patricia A McColm David R Michal et al	N	\$30.00	\$0.00	\$30.00
Item Total					\$30.00
Mail Check 718					\$30.00
Tender Total					\$30.00
Amount Due					\$0.00

Please Retain This Receipt For Your Records.

Room 206, 1500 Court Street, Redding, CA 96001

Note: The Sheriff is entitled to a fee for service, whether or not the service is successful. Govt. C 26738

Status checks will not be given over the phone earlier than 10 days prior to the court date. If Applicable, you will receive a copy of the proof of service in the mail. PLEASE DO NOT PHONE.

PATRICIA A. McCOLM
P.O. BOX 27274
San Francisco, CA 94127
(415) 333-8000

October 14, 2009

Margaret E. Long
KENNY SNOWDEN
2901 Park Marina Drive
Redding, CA 96001
Fax to: (530) 225-8944

Re: McColm v Michal; CONFIRMATION OF ROBERT CRONIC'S
REFUSAL TO COMPLY WITH SUBPOENAS

Dear Ms. Long:

This correspondence confirms that earlier this date, your assistant advised that your client, Robert Cronic would not be appearing for his deposition scheduled for October 15, 2009 and inspection demands; including inspection of the personal property on October 16, 2009, without any reason stated.

After being advised that I would be moving to compel as I had traveled five hours without any earlier response to my numerous inquiries over the past 10 days. I was told to call back at the end of the day, when your assistant advised that a fax had been prepared about alternative dates at the end of October or Mid-November. She was told those dates were unacceptable due to impending close of discovery and other time limited conflicts and that absent a court ordered extension of discovery / trial date, that a motion to compel would have to be filed by the dates suggested; and thus, the dates appeared to be in bad-faith.

However I will tell the court that upon order compelling/extending, you will be available on the dates stated.

As you are aware, the issue is the current status of the personal property and whether or not Mr. Cronic has in his possession, each item taken out of the real property at 925 South Street, Redding under the partnership license with Mr. Michal. Until all the personal property is returned, the partnership may continue to be found liable.

Your early attention to any assistance you can provide in resolving the issue would be

EXHIBIT 9

appreciated.

Sincerely,



Patricia A. McColm, J.D.

P.S. I belatedly got access to a computer with a program that is outside my use knowledge; but correction of your fax was urgent. It is unfortunate you refuse to speak directly with me to resolve any communication issues as your fax is misleading.